

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 8
05 MAY 17 PM 12:17 D.C.
ROBERT R. DI TROLO
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

JIMMIE HILL and BARBARA HILL,)

Plaintiffs,)

VS.)

No. 1-04-1151-T-An

JAMES BOWLES, CHIEF OF POLICE)
OF GIBSON, TENNESSEE, *et al.*,)

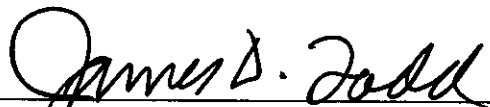
Defendants.)

ORDER REQUIRING PARTIES TO FILE SUPPLEMENTAL BRIEFS

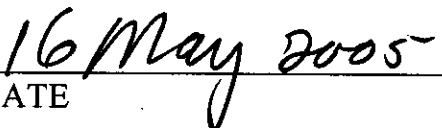
Plaintiffs Jimmie and Barbara Hill brought suit in the Circuit Court of Gibson County, Tennessee, against Defendants James Bowles, Gibson Chief of Police, Wallace Keymon, Mayor of Gibson, and the Town of Gibson, Tennessee. Defendants removed the action to district court, arguing that Plaintiffs' claims appeared to be brought pursuant to 42 U.S.C. § 1983 because their complaint alleged action under color of law and retaliation and sought attorneys fees as well as a jury trial. Defendants filed a motion to dismiss pursuant to FED. R. CIV. P. 12(b)(6), and/or in the alternative, a motion for summary judgment under FED. R. CIV. P. 56(c). Plaintiffs responded; however, they did not address whether their claims were brought pursuant to § 1983. Accordingly, this court ORDERS Plaintiffs to file a supplemental brief within twenty (20) days of this order on the issue of whether this court has subject matter jurisdiction over their claims. Defendants will then have twenty (20) days

to respond.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 1:04-CV-01151 was distributed by fax, mail, or direct printing on May 17, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT